

**Fuel Efficient Tire Program**  
California Code of Regulations  
Title 20. Public Utilities and Energy  
Division 2, Chapter 4, Article 9,  
Sections 1680 Et Seq:

**STAFF DRAFT REGULATIONS**

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Arnold Schwarzenegger, Governor

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## **ABSTRACT**

Tires affect vehicle fuel economy mainly through rolling resistance. Differences in tire dimensions, design, materials, and construction features will cause tires to differ in rolling resistance. A 10 percent reduction in rolling resistance can improve consumer fuel efficiency by 1 to 2 percent for passenger and light truck vehicles. Consumers lack any meaningful information to distinguish fuel efficiency differences among tires. There is a public interest in consumers having access to information on the fuel efficiency of tires. The California Energy Commission Fuel Efficient Tire Regulations mandate manufacturers of passenger and light truck (LT) tires sold or available for sale in California to test and report the fuel efficiency of tires.

## **KEYWORDS**

Tire, tyre, vehicle, transportation, rolling resistance, rolling resistance coefficient, fuel efficient, treadwear, traction, temperature, speed rating, load rating, hysteresis, tread, UTQG, SAE, J1269, J2452, SMERF, ISO28580, test, protocol, data analysis, correlation, statistics, replacement, original equipment, OE, Smithers, California Energy Commission, CEC, Bridgestone, Continental, Firestone, Goodyear, Pirelli, Michelin, Yokohama, Toyo, Kumho, General, Dunlop, NanKang, Mastercraft, Sumitomo, Sumic, Eldorado, Kelly Springfield, Hankook, Toyo, Minerva, Warrior, Hercules, Lee, Blue Streak, National, Falken, Fuzion, Delat, Starfire, BFGoodrich, PB Kelly, Uniroyal, Republic, Fate, American, Genadier, Roadmaster, Jetzon, Cavalier, Nitto, Mohawk, Star, GT Radial, Futura, Dayton

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**CALIFORNIA CODE OF REGULATIONS, TITLE 20:  
DIVISION 2, CHAPTER 4, ARTICLE 9, SECTIONS 1680 ET SEQ:  
FUEL EFFICIENT TIRE REGULATIONS**

**§1680. Scope**

(a) This Article applies to the manufacturers of the following types of new tires, if they are currently sold or are available for sale in California.

- 1) Passenger car tires.
- 2) Light-duty truck tires.

(b) Exemptions.

- 1) A tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported, is less than 15,000 annually.
- 2) A deep tread, winter-type snow tire.
- 3) A space-saver tire.
- 4) A temporary use spare tire.
- 5) A tire with a nominal rim diameter of 12 inches or less.
- 6) A motorcycle tire.
- 7) A tire manufactured specifically for use on an off-road motorized recreational vehicle

## **§1681. Definitions**

In this Article the following definitions apply:

**ASTM:** American Society for Testing and Materials.

**Commission:** the California Energy Commission.

**Database:** a structured collection of information.

**“Declared Fuel Efficiency Rating Value” and “The Energy Performance Rating”:** the mean RRF plus two standard deviations calculated from the test results of a sample of three tires with an identical SKU using the ISO 28580 test method.

**Deep Tread:** a tread depth of 18/32 inch or greater.

**DOT:** United States Department of Transportation.

**Executive Director:** the Executive Director of the California Energy Commission and his or her designated agent(s).

**“Fuel Efficient Tire”, “Energy Efficient Tire”, “Energy Saving Tire”, “Fuel Saving Tire”, and “Low Rolling Resistance Tire”:** a tire that has been determined by the Executive Director to have a “Declared Fuel Efficiency Rating Value” that complies with the value established in Table 1 for a “Fuel Efficient Tire”.

**High Flotation Light-Duty Truck Tire:** a tire which is dimensionally larger and operates at a lower inflation pressure than the tire it replaces to provide improved flotation in off-the-road service.

**ISO:** International Organization for Standardization.

**Light-Duty Truck Tire:** a tire with an “LT” in the size designation primarily intended for use on trucks or multipurpose passenger vehicles. Light-Duty Truck Tires include high flotation tires.

**Load Index (LI):** a numerical code associated with the maximum load a tire can carry at the speed indicated by its speed symbol under specified service conditions.

**Material Change:** a change to a tire of such a type or magnitude as to raise the reasonable expectation of a change in the declared fuel efficiency rating value listed in the database.

**Motorcycle:** a motorized vehicle designed to be driven astride a seat or saddle and designed to travel on not more than three wheels in contact with the ground.

**Motorcycle Tire:** a tire intended for use on motorcycles.

**Motor Vehicle:** a vehicle driven or drawn by mechanical power and manufactured primarily for driving on public streets, roads, and highways.

**Multipurpose Passenger Vehicle:** any motor vehicle designed to carry not more than twelve persons, which is constructed either on a truck chassis or with special features for occasional off-road operation.

**Nominal Rim Diameter:** the diameter of a wheel measured at the intersection of the bead seat and the flange.

**Original Equipment (OE) Tire:** a tire that is provided as original equipment on a new vehicle.

**Off-road Motorized Recreational Vehicle:** a multi-wheeled motorized vehicle designed to be driven astride a seat or saddle and designed for cross-country travel on or over land, sand, snow, ice, or other natural terrain.

**Off-road Motorized Recreational Vehicle Tire:** a tire intended for use on an off-road motorized recreational vehicle.

**Passenger Car:** any motor vehicle designed primarily for transportation of persons and having a design capacity of twelve persons or less.

**Passenger Car Tire:** a tire intended for use on passenger cars, multipurpose passenger vehicles, and trucks, that have a gross vehicle weight rating (GVWR) of 10,000 pounds or less.

**Plant:** the DOT tire manufacturer and plant code number.

**Rolling Resistance Force (RRF):** the loss of energy (or energy consumed) per unit of distance traveled. The unit conventionally used for the rolling resistance is the Newton meter per meter (N m/m). This is equivalent to a drag force in Newtons (N).

**Rolling Resistance Coefficient (RRC):** the ratio of the rolling resistance force, in Newtons, to the load on the tire in kNewtons. This quantity is dimensionless.

**SAE:** Society of Automotive Engineers.

**Stock Keeping Unit (SKU):** a unique identifier for each distinct product that can be ordered from a supplier.

**Snow Tire:** a tire that attains a traction index  $\geq 110$  compared to the ASTM E-1136-93 Standard Reference Tire when using the snow traction test ASTM F-1805-06 Standard Test Method for Single Wheel Drive Traction in a Straight Line on Snow- and Ice-Covered Surfaces, and which is marked with an Alpine Symbol on at least one sidewall.

**Space-saver Tire:** a temporary use spare tire of reduced size for fitting in a confined space.

**Tires That Are Not Fuel Efficient:** a tire that has been determined by the Executive Director to have a "Declared Fuel Efficiency Rating Value" that complies with the value established in Table 1 for "Tires That Are Not Fuel Efficient".



**Tire Size Designation:** the nominal section width, nominal aspect ratio, and rim diameter.

**Temporary Use Spare Tire:** a tire with a “T” in the size designation intended for use temporarily.

**Truck:** any motor vehicle which is designed primarily for purposes of transportation of property or special purpose equipment or is a derivative of such a vehicle.

**UTQG:** the Uniform Tire Quality Grading System of the United States Department of Transportation, National Highway Traffic Safety Administration.

## **§1682. Testing**

- (a) **Testing Requirements.** The manufacturer shall cause the testing of three tires with identical SKUs that are within the scope of Section 1680 and not exempt, using the ISO 28580 test method. The testing shall be at a test facility that the Executive Director determines:
- 1) has been accredited to comply with ISO 17025:2005(E);
  - 2) has been certified to comply with the Measurement Machine Alignment procedure specified in the ISO 28580 test method;
  - 3) agrees to and does interpret and apply the ISO 28580 test method precisely as written;
  - 4) has, and keeps properly calibrated and maintained, all equipment, material, and facilities necessary to apply the ISO 28580 test method precisely as written;
  - 5) agrees to and does maintain copies of all test reports, and provides any such report to the Executive Director on request; and
  - 6) agrees to and does allow the Executive Director to witness any test or request.

## **§1683. Energy Performance Rating**

**(a) California Rating System Applicable to Sale.** Section 1683 contains the rating system that is applicable as state law to tires within the scope of Section 1680 that are currently sold or are available for sale in California.

**(b) Fuel Efficient Tire Rating.** Each tire that has been determined by the Executive Director to have a Declared Fuel Efficiency Rating Value consistent with the value set forth in Table 1 for Fuel Efficient Tires shall be designated Fuel Efficient Tire.

**(c) Tires That Are Not Fuel Efficient Rating.** Each tire that has been determined by the Executive Director to have a Declared Fuel Efficiency Rating Value consistent with the value set forth in Table 1 for Tires That Are Not Fuel Efficient shall be designated Tires That Are Not Fuel Efficient.

**Table 1: Tire Fuel Efficiency Rating Values**

<b>TIRES</b>	<b>FUEL EFFICIENT TIRES Rating Value</b>	<b>TIRES THAT ARE NOT FUEL EFFICIENT Rating Value</b>
Passenger	Has a declared fuel efficiency rating value no higher than 1.15 times the lowest declared fuel efficiency rating value for all tires in its combined tire size designation and load index	Has a declared fuel efficiency rating value higher than 1.15 times the lowest declared fuel efficiency rating value for all tires in its combined tire size designation and load index
Light Truck (LT)	Has a declared fuel efficiency rating value no higher than 1.15 times the lowest declared fuel efficiency rating value for all tires in its combined tire size designation and load index	Has a declared fuel efficiency rating value higher than 1.15 times the lowest declared fuel efficiency rating value for all tires in its combined tire size designation and load index

## **§1684. Filing of Statement by Manufacturers**

**(a) Filing of Statements.** Each manufacturer of passenger and light truck (LT) tires sold or available for sale in California shall file with the Executive Director a statement of information for each tire. The statement shall contain all of the information described in paragraphs (c) through (g) of this section and shall meet all of the requirements of paragraph (b) of this section and all other applicable requirements in this Article. The provisions of this Article are applicable to all submittals and filings made by a manufacturer.

**(b)** All statements filed pursuant to Article 9 shall comply with the following requirements.

**1) Format and Categories.**

Each statement shall be in a format (including but not limited to computer formats) and in categories specified by the Executive Director.

**2) How Data Must Be Reported.**

- i. For any numerical value required that is produced by the ISO 28580 test method, the reported value shall be the value obtained by testing; unless different specific instructions are specified in the ISO 28580 test method.
- ii. For any numerical value required that is produced by calculation from measured numerical results, the reported value shall be the value obtained by calculating.

**3) When Statements are Required.**

- i. For all current tires within the scope of Section 1680, the manufacturers must submit the information required in paragraphs (c) through (g) of this section by no later than July 1, 2011.
- ii. The all new and modified tires within the scope of Section 1680, the manufacturers must submit the information required in paragraphs (c) through (g) of this section prior to the tire being sold or available for sale in California.

**4) Multiple Statements.** A manufacturer may file statements for more than one tire in a single submittal to the Executive Director. If a submittal contains information statements for more than one tire, there shall be only one declaration statement for each submittal.

**(c) Manufacturer Information**

**1)** The name, address, telephone number, and, if available, fax number, URL (web site) address, and e-mail address of the manufacturer; provided, however, that if a parent entity is filing on behalf of a subsidiary entity, if a subsidiary entity is filing on behalf of a parent entity, or if an affiliate entity is filing on behalf of an affiliate entity, then each entity shall be clearly identified and the information shall be provided for both entities.

**2)** The name, address, telephone number, and, if available, fax number and e-mail address of the individual to contact concerning the statements pursuant to this section. There shall be only one individual to contact except that the individual may, during his or her absence, delegate his or her duties in this regard.

**3)** The name, address, telephone number, and, if available, fax number and e-mail address of the person signing the declaration pursuant to this section.

**(d) Statement of Declaration**

**1)** Each statement shall include a declaration, executed under penalty of perjury of the laws of California, that:

- i. all the information provided in the statement is true, complete, accurate, and in compliance with all applicable provisions of this Article.

**2)** If the manufacturer is a corporation, partnership, or other business entity, the declaration shall be signed by an individual authorized to make the declaration and file the statement on behalf of the business entity, and the declaration shall contain an affirmation that the individual signing is so authorized.

**3)** The declaration shall be submitted and maintained as follows:

- i. If the information is filed by a manufacturer, then either:
  - a. the manufacturer shall file a wet-signed paper declaration with the Executive Director and the Executive Director shall keep the declaration;
  - b. if the Executive Director has approved the use of a unique digital identifier for this purpose, the manufacturer shall include in the statement a declaration digitally signed under Government Code Section 16.5 and Title 2, California Code of Regulations, Section 22000 et seq.); or

- c. the manufacturer shall execute a wet-signed paper declaration, electronically scan and copy the declaration, include the electronic copy of the declaration with the statement filed with the Executive Director, and keep the wet-signed paper declaration and provide it upon request to the Commission; and the Commission shall keep the electronic copy of the declaration.

**(e) Statement of Identification, Performance, and Test Information for Tires within the Scope of Section 1680 and Not Exempt.**

**1)** A statement that the tire has been tested in accordance with all applicable requirements of Section 1682.

**2)** The information set forth in Table 2.

**Table 2: In-Scope Tires Identification, Performance, and Test Information Requirements**

- Tire Manufacturer Name

From Tires:

- Brand Name
- Model Name
- OEM Fitment (Yes/No)
- SKU Number
- DOT Tire Identification Number
- Tire Size Designation
- Special Feature: Runflat, Color Tread
- Tread and Sidewall Ply & Material Identification
- Sidewall Lettering: Blackwall, Whitewall, Outlined White Letter, Outlined Black Letter
- Weight (lbs)
- Overall Diameter (in)
- Tread Depth (in)
- Sidewall Max Load (lbs)
- Sidewall Max Pressure (psi)
- Load Index (LI)
- Load Range
- Speed Rating
- UTQG Temperature Rating
- UTQG Traction Rating
- UTQG Treadwear Rating

From ISO 28580 Testing:

- Test Machine Identifier (from ISO28580 machine calibration)
- Test Date
- Test Method (Force, Torque, Deceleration, Power)
- Test Load (Newtons)
- Test Inflation Pressure (psi)
- Test Speed (mph)
- Rolling Resistance (Newtons)
- Rolling Resistance Coefficient
- Declared Fuel Efficiency Rating Value for tires with identical SKUs

**(f) Statement of Information for Passenger and Light Truck (LT) Tires Claimed by the Manufacturer to be Exempt from this Article by Reason of Section 1680 (b) Exemption (1) or (2).**

**1) Claim and Tire Identification Information**

- i. A statement that the tire is exempt by reason of Section 1680 (b) Exemption (1) or (2).
- ii. The information set forth in Table 3.

**Table 3: Exempt Passenger and Light Truck (LT) Tires Information Requirements**

<b>Exemption 1 Tires</b>	<b>Exemption 2 Tires</b>
<ul style="list-style-type: none"><li>• Tire Manufacturer Name</li><li>• Brand Name</li><li>• Model Name</li><li>• SKU Number</li><li>• Tire Size Designation</li><li>• DOT Manufacturer and Plant Code Number</li><li>• Number of tires imported or produced during claimed year</li><li>• Claimed year</li></ul>	<ul style="list-style-type: none"><li>• Tire Manufacturer Name</li><li>• Brand Name</li><li>• Model Name</li><li>• SKU Number</li><li>• Tire Size Designation</li><li>• Thread Depth (X/32 inches)</li></ul>

**(g) Statement of Information for Modified Tires and Tires Which Have Ceased Being Sold or Available for Sale In California.**

- 1)** If any of the information changes for a tire listed in the Active Database of In-Scope Tires, the manufacturer shall file a statement containing the identifiers and the modified information for all changes for the tire. Upon receipt of such a statement, the Executive Director shall review the statement pursuant to Section 1684(h).
- 2)** If a material change is made to a tire listed in the Active Database of In-Scope Tires, the manufacturer shall cause the testing of three tires of identical SKUs using the ISO 28580 test method and shall file a statement containing the identifiers and the modified information for all the characteristics that have changed for the tire. Upon receipt of such a statement, the Executive Director shall review the statement pursuant to Section 1684(h).



- 3) If any of the information changes for a tire listed in the Exempt Tire Database, the manufacturer shall file a statement containing the identifiers and the modified information for all changes for the tire. Upon receipt of such a statement, the Executive Director shall review the statement pursuant to Section 1684(h).
  - i. **Tire Continues to Meet Exemption Criteria.** If the Executive Director determines that the changes reported for the tire still meet the criteria for exemption, the Executive Director shall modify the listing of the tire in the Exempt Tire Database to reflect the changed information.
  - ii. **Tire No Longer Meets Exemption Criteria.** If the Executive Director determines that the changes reported for the tire no longer meet the criteria for exemption, the Executive Director shall immediately remove the tire from the Exempt Tire Database into the Historical Tire Database and shall so inform that the manufacturer must immediately comply with the requirements of this section for the tire.
- 4) If any tire listed in the Active Database of In-Scope Tires or Exempt Tire Database has ceased being sold or available for sale in California the manufacturer shall file a statement so stating. Upon receipt of such a statement, the Executive Director shall review the statement pursuant to Section 1684(h). If the statement is complete, accurate, and in compliance with all applicable provisions of this Article, the Executive Director shall move the tire into the Historical Tire Database.

**(h) Review of Statements by the Executive Director.**

- 1) **Determination.** The Executive Director shall determine whether a statement is complete, accurate, and in compliance with all applicable provisions of this Article.
- 2) **Informing Manufacturer of Determination.**
  - i. The Executive Director shall inform the manufacturer of the determination within 21 calendar days after receipt of the electronic file by the Executive Director.
  - ii. The Executive Director's determination shall be sent to the manufacturer electronically.

### 3) **Nature of Determination.**

- i. **Statement is Incomplete.** If the Executive Director determines that a statement is not complete, or that the statement does not contain enough information to determine whether it is accurate, the Executive Director shall return the statement to the manufacturer with an explanation of its defects and a request for any necessary additional information. The manufacturer shall refile the statement with all information requested by the Executive Director and with any other information it wants to file. The Executive Director shall review the refiled statement according to the time limits in Section 1684(h)(2).
- ii. **Statement is Inaccurate.** If the Executive Director determines that the statement is inaccurate, the Executive Director shall reject the statement and return it to the manufacturer with an explanation of its defects. The manufacturer may submit a revised statement at any time.
- iii. **Statement is Complete and Accurate.** If the Executive Director determines that the statement is complete and accurate, the Executive Director shall immediately include the tire(s) in the appropriate database and shall so inform the manufacturer.

#### (i) **Assessment of Completeness, Accuracy, and Compliance of Manufacturer Statements.**

Notwithstanding any other provision of these regulations, the Executive Director may at any time challenge the completeness, accuracy, and compliance with the requirements of this Article, of any statement or confirmation filed pursuant to this Section. If the statement is incomplete or inaccurate, or if the Executive Director determines that the statement otherwise fails to comply with any of the requirements of this Article, then he or she shall, ten working days after providing written notice by certified mail (registered mail to non-U.S. destinations) to the person designated in Section 1684(c)(3), and move the tire into the Historical Tire Database described in Section 1685(a)(4).

## **§1685. Database of Tires**

- (a) **Creation of Database.** The Executive Director shall maintain a database. The database shall consist of the following parts:

### **1) Passenger Tire Database**

- i. “Active Database of In-Scope Passenger Tires.” The active database of all in-scope passenger tires shall contain, at least, information on all tires that are currently in production, for which complete and accurate statements have been received pursuant to Section 1684 and shall contain all of the data filed on all samples of tires as required by Section 1684(e).
- ii. “Active Database of Fuel Efficient Passenger Tires.” The active database of declared fuel efficient passenger tires shall contain, at least, a single row listing the information on each tire that is currently in production, for which complete and accurate statements have been received pursuant to Section 1684, that have been determined by the Executive Director to have a Declared Fuel Efficiency Rating Value that complies with the value established for the rating of Fuel Efficient Tire pursuant to Section 1683, and that have not been removed from the database pursuant to Sections 1684(i), or 1685(c).
- iii. “Active Database of Passenger Tires That Are Not Fuel Efficient.” The active database of inefficient passenger tires shall contain, at least, information on all tires that are currently in production, for which complete and accurate statements have been received pursuant to Section 1684, that have been determined by the Executive Director to have a Declared Fuel Efficiency Rating Value that complies with the value established for the rating of Tires That Are Not Fuel Efficient pursuant to Section 1683, and that have not been removed from the database pursuant to Sections 1684(i), or 1685(c).

### **(2) Light Truck (LT) Tire Database**

- i. “Active Database of In-Scope Light Truck (LT) Tires.” The active database of all in-scope LT tires shall contain, at least, information on all tires that are currently in production, for which complete and accurate statements have been received pursuant to Section 1684

and shall contain all of the data filed on all samples of tires as required by Section 1684(e).

- ii. “Active Database of Fuel Efficient Light Truck (LT) Tires.” The active database of declared fuel efficient light truck (LT) tires shall contain, at least, a single row listing the information on each tire that is currently in production, for which complete and accurate statements have been received pursuant to Section 1684, that have been determined by the Executive Director to have a Declared Fuel Efficiency Rating Value that complies with the value established for the rating of Fuel Efficient Tire pursuant to Section 1683, and that have not been removed from the database pursuant to Sections 1684(i), or 1685(c).
- iii. “Active Database of Light Truck (LT) Tires That Are Not Fuel Efficient.” The active database of light truck (LT) tires shall contain, at least, information on all tires that are currently in production, for which complete and accurate statements have been received pursuant to Section 1684, that have been determined by the Executive Director to have a Declared Fuel Efficiency Rating Value that complies with the value established for the rating of Tires That Are Not Fuel Efficient pursuant to Section 1683, and that have not been removed from the database pursuant to Sections 1684(i), or 1685(c).

### **3) Exempt Tire Database**

- i. “Active Database of Exempt Passenger Tires.” The active database of exempt passenger tires shall contain, at least, information on all tires that have been determined by the Executive Director to be exempt from this Article by reason of Section 1680(b) Exemptions (1) or (2), and shall contain all of the information filed as required in Section 1684(f).
- ii. “Active Database of Exempt Light Truck (LT) Tires.” The active database of exempt light truck (LT) tires shall contain, at least, information on all tires that have been determined by the Executive Director to be exempt from this Article by reason of Section 1680(b) Exemptions (1) or (2), and shall contain all of the information filed as required in Section 1684(f).

#### **4) Historical Tire Database**

- i. The historical tire database shall contain, at least, information on all tires that:
  - a. are no longer in production, for which complete and accurate statements have been received pursuant to Section 1684(a) or
  - b. have been removed from the active tire database pursuant to Sections 1684(i), or 1685(c).

#### **(b) Updating of Database Listings.**

- 1) The Executive Director shall update the database on a continuous basis upon receipt and approval of manufacturer statements.
- 2) By no later than January 15 of each year the Executive Director shall update the Active Database of Fuel Efficient Passenger Tires and the Active Database of Fuel Efficient Light Truck (LT) Tires to identify the tire that has the lowest Declared Fuel Efficiency Rating Value for all tires in its combined tire size designation and load index as well as all tires meeting the definition of Fuel Efficient Tire in that combined tire size designation and load index. If the Executive Director determines that a tire no longer meets the definition of Fuel Efficient Tire the Executive Director shall remove the tire from the Active Database of Fuel Efficient Passenger Tires or the Active Database of Fuel Efficient Light Truck (LT) Tires into the Active Database of Passenger Tires That Are Not Fuel Efficient or the Active Database of Light Truck (LT) Tires That Are Not Fuel Efficient and shall so inform that the manufacturer.

#### **(c) Confirmation of Database Listings.**

The Executive Director may, by writing to the most recent address filed pursuant to Section 1684(c)(2), request a manufacturer of a tire listed in the database to confirm the validity, or to correct in compliance with this Article, all of the information in each of its database listings since the most recent filing by the manufacturer. If, within 30 days after the mailing, there is any tire for which the Executive Director has not received a reply from the manufacturer that confirms the validity of, or corrects, all of the information in the database listing, the Executive Director shall write via certified mail (registered mail to non-U.S. destinations), to the same address. If within 30 days of the latter mailing there is no such reply, the Executive Director shall move the tire into the Historical Tire Database, and it may be presumed that the tire is no longer in production.

## **§1686. Compliance and Verification**

### **(a) Submittal of Reports of Manufacturers' Testing.**

- 1) For any tire within the scope of Section 1680, the Executive Director may at any time request from a manufacturer a copy of the test report that describes the results of the testing that was performed pursuant to Section 1682 and that provides the basis for the information submitted under Section 1684. The request shall be sent to the address or e-mail address designated in Section 1684(c)(2). The manufacturer shall provide a copy of the applicable test report to the Executive Director within 14 days of the manufacturer's receipt of the request.
- 2) If the Executive Director does not receive the test report within the required time, the Executive Director shall move the tire into the Historical Tire Database described in Section 1685(a)(4).
- 3) If the test report indicates that the tire performance is greater than, or less than declared by the manufacturer pursuant to Section 1684(d)(1)(i), the Executive Director shall, after providing written notice by certified mail (registered mail to non-U.S. destinations) to the person designated in Section 1684(c)(3), modify the listing of the tire in the database to accurately reflect the test report.

### **(b) Inspection of Tires by the Executive Director.**

- 1) The Executive Director may periodically inspect tires sold or offered for sale in California, to determine whether or not they conform to Section 1684 and Section 1685.
- 2) Inspection of a tire shall consist of inspection of one tire.
  - i. If the inspection indicates that the tire conforms to Section 1684 and the information listed in the database of Section 1685, the matter shall be closed.
  - ii. If the inspection indicates that the tire does not conform to Section 1684 and/or the information listed in the database of Section 1685, the Commission shall undertake a proceeding pursuant to Section 25210 of the Public Resources Code and Title 20, California Code of Regulations, sections 1230 et seq. If the Commission confirms the Executive Director's determination, then he or she shall move the tire into the Historical Tire Database.

**(c) Testing of Tires by the Executive Director.**

- 1) The Executive Director may periodically cause, at test facilities meeting the criteria of Section 1682, the testing of tires sold or offered for sale in California, to determine whether or not the tires are as reported and declared by the manufacturer pursuant to Section 1684. Testing shall be performed as follows:
  - i. The Executive Director shall cause tests on three units of tires with identical SKUs, using the applicable test procedure specified in Section 1682 and determine the mean plus two standard deviations of the RRF for the three tires. Upon completion of the test, the Executive Director shall make a determination as follows:
    - a. **Tire Is No Different Than Reported and Declared by Manufacturer.** If the test result indicates that the tire is no different than reported and declared by the manufacturer pursuant to Section 1684, the matter shall be closed.
    - b. **Tire Is Different Than Reported and Declared by Manufacturer.** If the test result indicates that the tire is different than reported and declared by the manufacturer pursuant to Section 1684, the Executive Director shall inform the manufacturer of the results and shall modify the information of the tire in the database to accurately reflect the Executive Director's determination.

**(d) Costs.**

Except as otherwise provided in this Article, all costs of inspection and tests showing results as described in Section 1686(b)(2)(i) or Section 1686(c)(1)(i)(a) shall be borne by the Commission. All costs, including the acquisition cost of tires, for all other inspections and tests shall be paid by the manufacturer.

## **§1687. General Administrative Matters**

### **(a) Forms and Formats Specified by Executive Director.**

The Executive Director may specify, and require the use of, any particular form or format for the submittal of any data, reports, or other information required by this Article, including but not limited to computer programs or formats.

### **(b) Electronic Filing.**

- 1)** Unless otherwise stated in this Article, the statements and other submittals required or allowed by this Article shall be filed electronically so that:
  - i. the electronic filing uses a format and characteristics, including without limitation appropriate formatting, that are specified by the Executive Director;
  - ii. within three days of the electronic filing being made, an exact paper copy of all declarations required by Section 1684(d) is executed by a person authorized under the appropriate section to execute it;
  - iii. for two years from the date of filing the person making the filing keeps the exact paper copies required by paragraph (ii) immediately above and provides those copies to the Executive Director upon 10 days written request.
- 2)** Any electronic filing constitutes a representation by the person making the filing that:
  - i. all applicable requirements of this Article have been met;
  - ii. the person will electronically acknowledge receipt of all electronic communications concerning the filing from the Executive Director to the person;
  - iii. all electronic communications concerning the filing from the Executive Director to the person shall be deemed received by the person upon notification to the Executive Director, by the computer from which the Executive Director communication has been sent, that the communication has been sent; and
  - iv. all electronic communications concerning the filing from the person to the Executive Director shall be deemed received by the Executive Director only upon actual receipt.



- 3) At any time the Executive Director may forbid electronic filings by any person and may remove affected tire models from the database, if he or she finds that an applicable requirement of this Article is not being met

**(c) Retention of Records**

- 1) Manufacturers shall retain all data, forms, information, and all other records required by this Article concerning each tire:
  - i. for at least 2 years after the manufacturer informs the Executive Director, in writing, of the tire has ceased being sold or available for sale in California; and
  - ii. in a manner allowing ready access by the Executive Director on request.
- 2) The Executive Director shall retain all data, forms, information, and all other records required by this Article concerning each tire for at least 10 years after the record is initially filed or reconfirmed.

**(d) Executive Director Determinations.**

Whenever this Article refers to a finding, conclusion, or other determination by the Executive Director, any person seeking such a determination shall submit to the Executive Director a written request. Within 10 days of receipt of a request, the Executive Director shall either find the request is complete and so inform the applicant, or return the request to the applicant with a statement of what additional information is necessary to make it complete. Within 45 days of receipt of a complete request, the Executive Director shall make a determination, which shall be within the discretion of the Executive Director acting on the basis of the entire record, which shall be assembled and made publicly available by the Executive Director. Within 10 days of a determination, whether made in response to a request or made on the Executive Director's own initiative, any affected person, including but not limited to the person, if any, who made a request for the determination, may appeal the determination to the Commission in writing. At the same time that the appeal is filed, the appellant shall file all the evidence the appellant wishes the Commission to consider. The Commission Staff and any affected person shall file all the evidence they wish the Commission to consider within 20 days after the appeal is filed. The Commission shall hear and decide the appeal at the next regularly-scheduled business meeting that is at least 30 days after the appeal is filed. At the hearing the Commission may require the filed evidence to be presented under oath and may allow questions and cross-examination from participants.